
**Rules of
Department of Economic
Development
Division 263—Licensed Clinical Social Workers
Chapter 4—Disciplinary Proceedings**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 263—Licensed Clinical
Social Workers**

Chapter 4—Disciplinary Proceedings

4 CSR 263-4.010 Public Complaint Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints pursuant to the mandate of section 620.010.15(6), RSMo.

(1) The Division of Professional Registration/Advisory Committee for Licensed Clinical Social Workers will receive and process each complaint made against any licensee, registered applicant or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of sections 337.600—337.639, RSMo. Any member of the public or the profession, or any federal, state or local official, may make and file a complaint with the division's Advisory Committee for Licensed Clinical Social Workers. Complaints will be received from sources both within and without Missouri and processed in the same manner as those originating within Missouri. No member of the Division of Professional Registration or the Advisory Committee for Licensed Clinical Social Workers may file a complaint with the advisory committee while serving in that capacity, unless that member is excused from further deliberation or activity concerning the matters alleged within that complaint. The executive director or any division staff member may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints shall be mailed or delivered to the following address: The Division of Professional Registration or the Advisory Committee for Licensed Clinical Social Workers, P.O. Box 85, Jefferson City, MO 65102. Complaints may be based upon personal knowledge or beliefs based on information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Oral or telephone communications will not be considered or processed as complaints. The person making these communications will be asked to file a written statement.

(4) Each complaint received under this rule will be maintained by the division. The complaint file will contain a record of each complainant's name and address of the

subject(s) of the complaint; the date each complaint is received by the division; a brief statement of the complaint, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the division or formal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This complaint file shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be notified of the ultimate disposition of the complaint.

(6) This rule shall not be deemed to limit the division's authority to file a complaint with the Administrative Hearing Commission charging a licensee with any actionable conduct or violation. The complaint filed by the division need not be limited to the acts charged in a public complaint.

(7) The division interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division. This rule does not create any cause of action for licensees against those whom the division has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of sections 337.600—337.639, RSMo.

*Auth: section 337.627 and 620.010.15(6), RSMo (1994). *Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Jan. 11, 1995, effective June 30, 1995.*

**Original authority: 337.627, RSMo (1989), amended 1943 and 620.010, RSMo (1973), amended 1981, 1983, 1986, 1989, 1990, 1993, 1994.*

4 CSR 263-4.020 Investigation

PURPOSE: This rule sets forth the procedure to be used in conducting an investigation and the responsibilities of the complainant.

(1) Upon receipt of a complaint in proper form, the division may investigate the actions of the licensee, applicant or registrant against whom the complaint is made. In conducting an investigation, the division in its discretion may request the licensee, applicant or registrant under investigation to answer the charges made against him/her in writing and

to produce relevant documentary evidence and may request him/her to appear before it.

*Auth: section 337.627, RSMo (1994). *Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Jan. 11, 1995, effective June 30, 1995.*

**Original authority 337.627, RSMo (1989), amended 1993.*

4 CSR 263-4.030 Discipline

PURPOSE: This rule outlines the procedure for holding disciplinary hearings.

(1) Upon final ruling by the Administrative Hearing Commission that the acts of a licensee constitute a violation of the licensure law or these rules, the division shall hold a hearing to determine the form of discipline to be imposed on the licensee, unless the licensee and the division can agree on the type of discipline.

(2) The division may require a licensee who has been disciplined to meet and perform certain conditions before reinstating an unrestricted license to the person.

Auth: section 337.627, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-4.040 Appeals

PURPOSE: This rule outlines the procedure to be used to appeal a decision by the division.

(1) Any individual denied licensure as a clinical social worker may appeal the decision of the division in the manner provided by law and shall be notified of his/her right at the time of denial.

(2) Any clinical social worker licensee who is disciplined by the division after a finding of cause for discipline by the Administrative Hearing Commission may appeal the finding of cause for discipline and the discipline imposed in the manner provided by law.

(3) Any rules established by the division and/or the advisory committee can be appealed in the manner provided by law.

Auth: section 337.627, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.